

Minnesota Sentencing Guidelines Commission

Frequency and Severity of Unranked Offenses: Sentenced 1981-2011

There are a number of felony offenses that are intentionally left unranked by the Commission. In determining how, and if, crimes should be assigned a severity level, the Commission will consider how district courts have generally sentenced the offenses, along with the maximum penalty established by the Legislature, rankings for similar crimes, and other relevant information.

When crimes are unranked, it may be because they are so seldom charged that no sentencing patterns are discernible, because they are new crimes that are not easily comparable to existing offenses, or because the offense encompasses such a wide range of behavior that it is best to allow the sentencing court discretion in determining the severity level. When an offense is unranked, the court must assign an appropriate severity level for the offense and specify on the record why that particular level was assigned. Minn. Sentencing Guidelines § 2.A.4.

The data below represent a summary of all unranked offenses sentenced between 1981 and 2011. If the severity level of the offense is listed as "N/A," the offense has never been sentenced.

It should be noted that effective August 1, 2006, third-degree criminal sexual conduct (Minn. Stat. § 609.344, subd. 1(a)), fourth-degree criminal sexual conduct (Minn. Stat. § 609.345, subd. 1(a)), use of minors in a sexual performance (Minn. Stat. § 617.246), and possession or dissemination of child pornography (Minn. Stat. § 617.247) are no longer unranked offenses. These offenses are now ranked on the Sex Offender Grid. Information on the ranking of these offenses, committed prior to August 1, 2006, can be obtained by submitting a data request to the MSGC office (contact number and e-mail provided below).

For those seeking additional information on offenders sentenced for Aiding an Offender, Accomplice after the Fact (Minn. Stat. § 609.495, subd. 3), a separate report is available on our website (<http://www.msgc.state.mn.us>).

To obtain any of the data below for specific years or for additional details not provided in this document, please contact the Sentencing Guidelines Commission at 651-296-0144, or email at sentencing.guidelines@state.mn.us.

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OFFENSE AND MINN. STAT. §	SEVERITY LEVEL	TOTAL CASES
Altering Engrossed Bill 3.191	N/A	0
Refusal to Assist 6.53	1	1
Membership Camping Practices 82A.03, 13, 25	N/A	0
Subdivided Land Fraud 83.43	1	2
Violation of Compact (2nd or subsequent) 116C.835	N/A	0
Abortion-Related Offenses 145.412, 617.20, or 617.22	N/A	0
Forced Execution of Declaration: Bodily Harm 145B.105, subd.2	N/A	0
Issuing a Receipt-Related Offenses 227.50 or 52	N/A	0
Horse Racing: Prohibited Act 240.25	N/A	0
Interstate Compact Violation 243.161	1	4
	2	4
Sales Tax Violations 297A.39 <i>Repealed</i>	3	2
	4	2
Motor Vehicle Excise Tax 297B.10	1	7
	2	5
	3	13
	4	3
Cigarette Tax and Regulation Violations 297F.20	1	2
	2	4
	3	3
Pipeline Safety 299J.07, subd.2	N/A	0
Price Fixing / Collusive Bidding 325D.53, subd.1(3), subd.2, or subd.3	N/A	0
Unlawful Transfer of Sounds 325E.201	1	1
Torture / Cruelty to Companion Animal 343.21, subd.1 or subd.7	1	20
	2	17
	3	10
	4	6
Harm to Service Animal Providing Service 343.21, subd.8(a)	N/A	0

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OFFENSE AND MINN. STAT. §	SEVERITY LEVEL	TOTAL CASES
Animal Fighting 343.31	1	2
	2	7
	3	0
	4	6
Aiding Suicide 609.215	6	5
	7 ¹	1
	8 ¹	1
	9 ¹	1
Female Genital Mutilation 609.2245	N/A	0
Labor Trafficking 609.282 (Effective 8/1/2005)	N/A	0
Unlawful Conduct with Documents in the Furtherance of Labor or Sex Trafficking; 609.283 (Effective 8/1/2005)	N/A	0
Bigamy 609.355	1	3
	2	3
	3	2
	4	5
	5	0
	6	2
Incest 609.365	4	1
	5	18
	6	16
	7 ¹	2
	8 ¹	8
	9 ¹	6
Treason 609.385	N/A	0
Misprision of Treason 609.39	N/A	0
Obstructing Military Forces 609.395	N/A	0
Corrupting Legislator 609.425	N/A	0
Escape with Violence from Misd. or Gross Misd. 609.485, subd.4(a)(3)	1	1
Aiding an Offender – Accomplice After the Fact 609.495, subd.3	1	41
	2	33
	3	29
	4	40
	5	38
	6	39
	7 ¹	14
	8 ¹	60
	9 ¹	25

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OFFENSE AND MINN. STAT. §	SEVERITY LEVEL	TOTAL CASES
	10 ¹	7
	11 ¹	3
	E	1
Concealing Criminal Proceedings 609.496 or 497	1	2
	2	0
	3	2
	4	0
	5	0
	6	1
Warning Subject of Investigation or Surveillance 609.4971 or 4975	2	1
Damage to Property: Critical Public Service 609.594, subd.2 (Effective 7/1/2002)	1	1
	3	2
	4	1
Killing or Harming a Public Safety Dog 609.596, subd.1	N/A	0
Assaulting or Harming a Police Horse 609.597, subd.3(1) or subd.3(2)	N/A	0
Insurance Fraud: Employment of Runners 609.612, subd.2 (Effective 8/1/2002)	N/A	0
Counterfeiting Currency 609.632 (Effective 8/1/2006)	1	4
	2	31
	3	10
	4	3
	5	2
	8	1
State Lottery Fraud 609.651, subd.1, with 4(b)	N/A	0
Hazardous Wastes 609.671	1	5
	2	3
	3	3
	4	7
	5	2
	6	7
Adulteration (not resulting in illness, pain, or bodily harm) 609.687, subd.3(3)	3	1
Real / Simulated Weapons of Mass Destruction 609.712 (Effective 7/1/2002)	N/A	0

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OFFENSE AND MINN. STAT. §	SEVERITY LEVEL	TOTAL CASES
Fraudulent / Improper Financing 609.7475 (Effective 8/1/2006)	N/A	0
Gambling Acts 609.76, subd.3, 4, 5, 6, or subd.7	2	1
	3	2
Lawful Gambling Fraud 609.763	1	2
	2	4
	3	6
	4	2
Falsely Impersonating Another 609.83	1	9
	2	16
	3	2
	4	0
	5	1
Police Radios During Commission of Crime 609.856	2	10
	3	2
	5	1
Unauthorized Computer Access 609.891	N/A	0
Computer Encryption 609.8912 (Effective 8/1/2006)	N/A	0
Racketeering 609.904	2	2
	3	0
	4	3
	5	2
	6	19
	7 ¹	1
	8 ¹	10
	9 ¹	23
	10 ¹	3
Obscene Materials Distribution 617.241, subd.4	4	1
Metal Penetrating Bullets 624.74	N/A	0
Wire Communications Violations 626A.02, 03, or 26	1	2
	2	0
	3	1
Failure to Report 626.556, subd.6	N/A	0

¹ These rankings represent the severity levels effective on and after August 1, 2002. On that date, a new Severity Level 7 was added to the Sentencing Guidelines Grid, with old severity levels 7, 8, 9, and 10 becoming 8, 9, 10, and 11.